## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

VANDELAY HOSPITALITY GROUP LLC D/B/A HUDSON HOUSE.,	<b>§</b> <b>§</b> <b>§</b>	
	<b>§</b>	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:20-CV-01348-D
	§	
THE CINCINNATI INSURANCE	§	
COMPANY, BARON CASS AND	§	
SWINGLE COLLINS COMPANY,	§	
LLC	§	
	§	
Defendant.	§	

## PLAINTIFF'S OPPOSITION TO DEFENDANT THE CINCINNATI INSURANCE COMPANY'S MOTION TO DISMSS

COMES NOW Plaintiff Vandelay Hospitality group LLC d/b/a Hudson House ("Plaintiff" and/or "Vandelay"), by and through its counsel of record, and files its Opposition to Defendant The Cincinnati Insurance Company's ("Cincinnati") Motion to Dismiss. Plaintiff's First Amended Petition sufficiently states plausible claims for Business Income and Civil Authority coverage under the relevant Commercial All-Risk Policy issued by Cincinnati. Plaintiffs' Fist Amended Petition further states sufficiently states plausible claims for breach of good faith and fair dealing, as well as claims under the Texas Insurance Code. Cincinnati failed to meet its burden in establishing that Plaintiff has failed to state a claim upon which relief may be granted.

The specific facts, arguments and authorities supporting this Opposition are presented in the Brief in Support of its Opposition to Cincinnati's Motion to Dismiss The evidence supporting this motion is contained in the separately filed Appendix to Plaintiff's Motion to Remand, which consists of the Policy that is referenced in Plaintiff's Amended Petition.

WHEREFORE, Plaintiff Vandelay Hospitality Group LLC d/b/a Hudson House respectfully requests that this Court to deny Defendant Cincinnati's Motion to Dismiss in its entirety. Alternatively, if the Court believes the Motion should be granted in whole or in part, Plaintiff requests leave of court to amend its Complaint. Plaintiff further requests this Court grant any other relief to which it may be justly entitled, in law or in equity.

**DATED:** July 3, 2020

Respectfully submitted, FRIEDMAN & FEIGER, L.L.P.

/s/ Shauna A. Izadi

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ATTORNEYS FOR PLAINTIFF

## **CERTIFICATE OF SERVICE**

I hereby certify that on July 3, 2020 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all parties who have appeared and registered with CM/ECF.

/s/ Shauna A. Izadi\_ Shauna A. Izadi